

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NEWMONT USA LIMITED and DAWN
MINING CO.,

Plaintiff,

vs.

AMERICAN HOME ASSURANCE CO., et
al.,

Defendants.

NO. CV-09-033-JLQ

**ORDER RE: DISMISSAL WITH
PREJUDICE OF PLAINTIFFS'
CLAIMS AGAINST
APPALACHIAN, WAUSAU, AND
TRAVELERS AND DIRECTING
ENTRY OF RULE 54(B)
JUDGMENTS**

BEFORE THE COURT are the Stipulated Motions to Dismiss (ECF Nos. 1076, 1077, 1078), whereby Plaintiffs, Newmont and Dawn, and Defendants: 1) Employers Insurance of Wausau, f/k/a Employers Insurance of Wausau A Mutual Company, 2) Appalachian Insurance Company, and 3) Travelers Casualty and Surety Company, f/k/a The Aetna Casualty and Surety Company, have agreed to the dismissal of all claims between each Defendant and Plaintiffs with prejudice and without the award of costs. The parties Stipulated Motions to Dismiss (**ECF. No. 1076, 1077, and 1078**) are **GRANTED.**

There being no just reason for delay, the Clerk of the Court shall enter final judgment pursuant to Fed.R.Civ.P 54(b) dismissing the claims asserted in the First Amended Complaint (ECF No. 241) against Employers Insurance of Wausau, Appalachian Insurance Company, Travelers Casualty and Surety Company with prejudice and without the award of costs or attorney fees to any party to the Stipulation.

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ORDER - 1

1 The moving Defendants technically remain parties to this litigation as cross-
2 claimants or cross-defendants, though it is the court's understanding that settlements have
3 been reached and stipulations are being prepared.

4 **IT IS SO ORDERED.** The Clerk of this court shall enter this Order, enter
5 judgment in accordance therewith, and forward copies to counsel for all parties.

6 Dated August 15, 2011.

7 s/ Justin L. Quackenbush
8 JUSTIN L. QUACKENBUSH
9 SENIOR UNITED STATES DISTRICT JUDGE
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